

✓ to a position so that the second portions of the opening in the base support member are covered and can be moved so that the second portions of the opening in the base support member are open[.] ;

a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door; and

a plurality of fastening members one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door.

3. A ventilation apparatus as defined in Claim 2 wherein the base support member which includes:

a first pair of spaced aligned horizontally extending members;

a first pair of spaced aligned vertically extending members, one of the vertically extending members being coupled between each end portion of the pair of horizontally extending members so that [an] the opening in the base support member is formed therebetween; and

an intermediate vertically extending member coupled between [intermediate portions of] the pair of spaced horizontally extending members so that the opening formed between the pair of horizontally extending and vertically extending members is provided with a first and a second portion.

4. A ventilation apparatus as defined in Claim 3 wherein the base support

member further includes:

a second pair of spaced aligned horizontally extending members, each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members; and

a second pair of spaced vertically extending members, each one of the second pair of vertically extending members being perpendicularly coupled to one of the first pair of vertically extending members.

10. A ventilation apparatus for mounting in a garage door including:

a rectangular shaped base support member having an opening formed therein[;] the base support member including a first pair of spaced aligned horizontally extending members;

a first pair of spaced aligned vertically extending member^s, one of the vertically extending members being coupled between each end portion of the pair of horizontally extending members so that the opening in the base support member is formed therebetween;

an intermediate vertically extending member coupled between intermediate portions of the pair of spaced horizontally extending members so that the opening formed between the pair of horizontally extending and vertically extending members is provided with a first and a second portion;

a second pair of spaced aligned horizontally extending members, each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members;

a second pair of spaced vertically extending members, each one of the second pair of vertically extending members being perpendicularly coupled to one of the first pair of vertically extending members.

a first rectangular shaped tracking member having an opening formed therein, aligned in the opening in the base support member;

a first transparent member slidably coupled in the opening in the first tracking member so that the first [tracking] transparent member can be moved to a position so first portions of the opening in the base support member are closed and can be moved to another position so that the opening is open;

a second rectangular shaped tracking member having an opening formed therein aligned in the opening in the base support member adjacent the first tract member; [and]

a second transparent member mounted for slidable movement in the opening in the second tracking member so that the second member can be moved to a position to cover the second portions of the opening in the base support member and so that the second transparent member can be moved to a position so that the second portions of the opening in the base support member is open[.] ;

a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door; and

a plurality of fastening members one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support

member for attaching the rectangular shaped base support member to the uppermost panel of the garage door.

13. A ventilation apparatus as defined in Claim [12] 10 wherein the first tracking member includes:

a first pair of spaced aligned horizontally extending tracks each one of the tracks being coupled to one of the second horizontally extending members; and

a first pair of spaced aligned vertically extending tracks one of the vertically extending tracks being coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members.

Cancel Claims 11 and 12.

In the Official Office Action dated April 10, 2001, Claims 1 through 5 and 10 through 13 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,924,628 issued to J. A. Ruby et al.

Claims 6 through 9 and 14 through 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,924,628 issued to J. A. Ruby et al.

Claims 3 through 9 and 11 through 18 have been rejected under 35 U.S.C. 112, first paragraph.

Claims 1 through 18 have been rejected under 35 U.S.C. 112, second paragraph.

The drawings have been objected to.

Claims 1, 4, 10 and 13 have been amended to overcome the rejection of

Claims 1 through 18 under 35 U.S.C. 112, second paragraph.

Claims 11 and 12 have been canceled.

The drawings have been corrected to overcome the objection.

Reconsideration is hereby requested.

Claims 1 through 5 and 10 through 13 have been have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,924,628 issued to J. A. Ruby et al.

Claim 1 of Applicant's invention discloses a ventilation apparatus for mounting in a garage door which includes a rectangular shaped base support member having an opening formed therein. The ventilation apparatus also includes a first rectangular shaped tracking member having an opening formed therein which is aligned in first portions of the opening in the base support member. A first transparent member is coupled in the opening in the first tracking member. Additionally the ventilation apparatus includes a second rectangular shaped tracking member having an opening formed therein which is aligned in first and second portions of the opening in the base support member adjacent the first tracking member. The second tracking member includes a second transparent member mounted for slidable movement in the opening in the second tracking member so that the second transparent member can be moved to a position so that the second portions of the opening in the base support member are covered and can be moved so that the second portions of the opening in the base support member are open.

The ventilation apparatus also includes a plurality of predetermined spaced

apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an uppermost panel of the garage door. Additionally, a plurality of fastening members is provided to be mounted in the predetermined spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door.

Claim 2 of Applicant's invention discloses a ventilation apparatus as defined in Claim 1 further including a means supported in the opening in the base support member for covering the first and second transparent members.

In Claim 3 Applicant discloses a ventilation apparatus as defined in Claim 2 wherein the base support member includes a first pair of spaced aligned horizontally extending members, and a first pair of spaced aligned vertically extending members. One of the vertically extending members is coupled between each end portion of the pair of horizontally extending members so that an opening in the base support member is formed therebetween. An intermediate vertically extending member is coupled between the pair of spaced horizontally extending members so that the opening formed between the pair of horizontally extending and vertically extending members is provided with a first and a second portion.

4. Still further, Claim 4 of Applicant's invention discloses a ventilation apparatus as defined in Claim 3 wherein the base support member further includes a second pair of spaced aligned horizontally extending members. Each one of the second pair of horizontally extending members is perpendicularly coupled to one of the first pair of

horizontally extending members. The base support member also includes a second pair of spaced vertically extending members, in which each one of the second pair of vertically extending members is perpendicularly coupled to one of the first pair of vertically extending members.

5. In Claim 5 Applicant discloses a ventilation apparatus as defined in Claim 4 wherein the first tracking member includes a first pair of spaced aligned horizontally extending tracks. Each one of the tracks is coupled to one of the second horizontally extending members. The first tracking member also includes first pair of spaced aligned vertically extending tracks with one of the vertically extending tracks being coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members.

James A. Ruby et al in U.S. Patent 4,924,628 discloses a prefabricated slider window system with lift-out windows. The window system of this invention includes a main frame having an opening formed therein. Windows are mounted in the opening of the main frame for horizontal sliding movement. The main frame includes a bottom frame portion having channels for guiding the bottom side of the windows and a top frame portion having channels for guiding the top sides of the windows.

There is no teaching or suggestion in the Ruby Patent of a ventilation apparatus including a first rectangular shaped tracking member having an opening formed therein which is aligned in first portions of the opening in the base support member as disclosed in Applicant's amended Claim 1. Additionally, there is no teaching or suggestion in the Ruby Patent of a first transparent member coupled in the

opening in the first tracking member.

There is no teaching or suggestion in the Ruby Patent of a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door as taught in Applicant's amended Claim 1. There is also no teaching or suggestion in the Ruby patent of a plurality of fastening members one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door as taught by Applicant. Clearly Applicant's invention is a totally different structure than the invention disclosed in the Ruby Patent. For these reasons Applicant's Claim 1 is distinguishable over the Ruby Patent.

Applicant's Claim 2 through 5 are distinguishable over the Ruby Patent for the same reasons as stated in Claim 1. Claim 2 of Applicant's invention is further distinguishable over the Ruby Patent because there is no teaching or suggestion in the Ruby Patent of a ventilation apparatus including a means supported in the opening in the base support member for covering the first and second transparent members. Additionally Claim 3 is further distinguishable over the Ruby Patent because there is no teaching or suggestion of a base support member have an intermediate vertically extending member coupled between the pair of spaced horizontally extending members so that the opening formed between the pair of horizontally extending members is provided with first and second portions. Rather the Ruby Patent has a

main frame with top channels, bottom channels, left and right channels to form one rectangular main frame and one opening.

4. Still further, Claim 4 of Applicant's invention is further distinguishable over the Ruby Patent because the Ruby Patent does not teach or suggest a ventilation apparatus wherein the base support member further includes a second pair of spaced aligned horizontally extending members. with one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members. Additionally there is no teaching or suggestion of a second pair of spaced vertically extending members in the base support member, in which each one of the second pair of vertically extending members is perpendicularly coupled to one of the first pair of vertically extending members.

Still further the Ruby Patent does not disclose the structure taught in Applicant's Claim 5 in that there is no teaching or suggestion of a ventilation apparatus wherein the first tracking member includes a first pair of spaced aligned horizontally extending tracks with each one of the tracks being coupled to one of the second horizontally extending members. There is also no teaching or suggestion of a first pair of spaced aligned vertically extending tracks in the first tracking member with one of the vertically extending tracks being coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members.

Applicant's amended Claim 10 discloses a ventilation apparatus for mounting in a garage door including a rectangular shaped base support member having an

opening formed therein. The base support member includes a first pair of spaced aligned horizontally extending members, and a first pair of spaced aligned vertically extending members, with one of the vertically extending members being coupled between each end portion of the pair of horizontally extending members so that an opening in the base support member is formed therebetween.

Additionally, an intermediate vertically extending member is coupled between intermediate portions of the pair of spaced horizontally extending members so that the opening formed between the pair of horizontally extending and vertically extending members is provided with a first and a second portion.

A second pair of spaced aligned horizontally extending members is also disclosed with each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members. Still further a second pair of spaced vertically extending members, having each one of the second pair of vertically extending members perpendicularly coupled to one of the first pair of vertically extending members is disclosed.

A first rectangular shaped tracking member having an opening formed therein, is aligned in the opening in the base support member, a first transparent member is slidably coupled in the opening in the first tracking member so that the first transparent member can be moved to a position so first portions of the opening in the base support member are closed and can be moved to another position so that the opening is open.

A second rectangular shaped tracking member having an opening formed

therein is aligned in the opening in the base support member adjacent the first tracking member. A second transparent member is mounted for slidable movement in the opening in the second tracking member so that the second member can be moved to a position to cover the second portions of the opening in the base support member and so that the second transparent member can be moved to a position so that the second portions of the opening in the base support member is open.

Additionally a plurality of predetermined spaced apertures is formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door. A plurality of fastening members having one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member is provided for attaching the rectangular shaped base support member to the uppermost panel of the garage door.

Additionally Applicant's amended Claim 13 discloses a ventilation apparatus as defined in Claim 10 wherein the first tracking member includes a first pair of spaced aligned horizontally extending tracks each one of the tracks being coupled to one of the second horizontally extending members. A first pair of spaced aligned vertically extending tracks having one of the vertically extending tracks coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members is also provided.

Claim 10 and 13 are distinguishable of the Ruby patent.

There is no teaching in the Ruby Patent of an intermediate vertically extending member being coupled between intermediate portions of the pair of spaced horizontally extending members so that the opening formed between the pair of horizontally extending and vertically extending members is provided with a first and a second portion as taught in Applicant's amended Claim 10. Additionally, there is no teaching or suggestion in the Ruby Patent of a second pair of spaced aligned horizontally extending members with each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members. Still further there is no teaching or suggestion in the Ruby Patent of a second pair of spaced vertically extending members, with each one of the second pair of vertically extending members perpendicularly coupled to one of the first pair of vertically extending members as disclosed in Applicant's amended Claim 10.

There are no teachings or suggestions in the Ruby Patent of a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and attaching the rectangular shaped base support member to an upper most panel of the garage door as taught in Applicant's amended Claim 10. There is also no teaching or suggestion in the Ruby patent of a plurality of fastening members to be mounted in the predetermined spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door as taught by Applicant. For these reasons Applicant's Claim 10 is distinguishable over the Ruby patent.

Claim 13 is also distinguishable over the Ruby Patent in that there is no teaching or suggestion in the Ruby Patent of a ventilation apparatus wherein the first tracking member includes a first pair of spaced aligned horizontally extending tracks with each one of the tracks being coupled to one of the second horizontally extending members. There is also no teaching or suggestion in the Ruby Patent of a first pair of spaced aligned vertically extending tracks having one of the vertically extending tracks coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members as taught in Applicant's Claim 13.

Claims 6 through 9 and 14 through 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,924,628 issued to J. A. Ruby et al.

Applicant's Claim 6 discloses ventilation apparatus as defined in Claim 5 wherein the first transparent member includes a piece of Plexiglas.

Applicant's Claim 7 discloses a ventilation apparatus as defined in Claim 6 wherein the second track member includes a second pair of spaced aligned horizontally extending tracks aligned adjacent to the first pair of horizontally extending tracks. Additionally a second pair of spaced aligned vertically extending tracks aligned adjacent to the first pair of vertically extending tracks, where one of the second vertically extending tracks is coupled between each outermost end portions of the second pair of horizontally extending tracks is disclosed.

Applicant's Claim 8 discloses a ventilation apparatus as defined in Claim 7 wherein the second transparent member includes a piece of Plexiglas.

Applicant's Claim 9 discloses a ventilation apparatus as defined in Claim 8 wherein the covering means includes a screen.

Claims 6 through 9 are distinguishable over the Ruby Patent of the same reasons as set forth with regard to Applicant's Claim 1.

Claim 6 is further distinguishable over the Ruby Patent because there is no teaching or suggestion in the Ruby Patent of a first transparent member including a piece of Plexiglas as taught in Applicant's Claim 6.

There is also no teaching or suggestion in the Ruby Patent of a ventilation apparatus wherein the second track member includes a second pair of spaced aligned horizontally extending tracks aligned adjacent to the first pair of horizontally extending tracks, and a second pair of spaced aligned vertically extending tracks aligned adjacent to the first pair of vertically extending tracks, one of the second vertically extending tracks being coupled between each outermost end portions of the second pair of horizontally extending tracks as disclosed in Claim 7.

There is additionally no teaching or suggestion in the Ruby Patent of a second transparent member including a piece of plexiglas as taught in Claim 8.

Additionally there is no teaching or suggestion in the Ruby Patent of a ventilation apparatus wherein the covering means includes a screen as taught in Applicant's Claim 9.

Claim 14 of Applicant's invention discloses a ventilation apparatus as defined in Claim 13 wherein the first transparent member includes a piece of Plexiglas.

Still further, Applicant's Claim 15 discloses a ventilation apparatus as defined

in Claim 14 wherein the second track member includes a second pair of spaced aligned horizontally extending tracks aligned adjacent to the first pair of horizontally extending tracks. Additionally a second pair of spaced aligned vertically extending tracks aligned adjacent to the first pair of vertically extending tracks, where one of the second vertically extending tracks is coupled between each outermost end portions of the second pair of horizontally extending tracks is disclosed.

Additionally, Applicant's Claim 16 discloses a ventilation apparatus as defined in Claim 15 wherein the second transparent member includes a piece of Plexiglas.

Claim 17 of Applicant's invention discloses a ventilation apparatus as defined in Claim 16 further including a covering means for covering the transparent members.

Applicants Claim 18 discloses a ventilation apparatus as defined in Claim 17 wherein the covering means includes a screen.

There is no teaching or suggestion in the Ruby Patent of a first transparent member including a piece of Plexiglas as taught in Applicant's Claim 16.

There is also no teaching or suggestion of a covering means for covering the transparent members as taught in Applicant's Claim 17.

Additionally there is no teaching or suggestion in the Ruby Patent of a ventilation apparatus wherein the covering means includes a screen as taught in Applicant's Claim 18.

Accordingly it is submitted that the Ruby Patent does not teach or suggest the invention set forth by Applicant thus Applicant's Claims should be allowed.

It is submitted that Applicant's Claimed invention should be allowed.

If the Examiner wishes to discuss minor changes or corrections in this application or if a discussion is desirable for the purpose of achieving mutual agreement leading to termination or prosecution and allowance of the application it is requested that he so advise Applicant by calling Kenneth D. Baugh whose number is (713) 529-2901.

RESPECTFULLY SUBMITTED,

HAMILTON DOREST

By: Kenneth D. Baugh
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